

# TRI-WEEKLY KENTUCKY YEOMAN.

VOL. X.

BUSINESS CARDS.  
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Attorney & Counselor at Law,  
N. E. COR. SCOTT AND FOURTH STS.,  
COVINGTON, KY.  
WILL PRACTICE in the counties of Kenton, Campbell, Pendleton, and Boone.  
WILL PRACTICE also in the city of Cincinnati and county of Hamilton, State of Ohio.  
deet w&t-wt

Ben. J. Monroe,  
Attorney and Counselor at Law, and  
General Land Agent,  
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WILL practice law in all the Courts of the Territory. Collections made in all parts of the Territory and Western Missouri, and remittances promptly made. Money invested and rents collected and paid.  
Office on South Delaware street, between Second and Third.  
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A. J. JAMES,  
Attorney and Counselor at Law,  
FRANKFORT, KY.  
WILL Office on St. Clair street, near the Branch Bank of Kentucky.  
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JAMES P. METCALFE,  
ATTORNEY AT LAW,  
FRANKFORT, KY.  
WILL practice in the Court of Appeals, Office on St. Clair street, over Drs. Sneed & Rodman's.  
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G. W. CRADDOCK  
CRADDOCK & CRADDOCK,  
ATTORNEYS AT LAW,  
Frankfort, KY.

T. N. & D. W. LINDSEY,  
ATTORNEYS AT LAW,  
Frankfort, KY.  
WILL practice Law in all the Courts in Frankfort and the adjoining counties. Office on St. Clair street, four doors from the bridge.  
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JOHN A. MONROE,  
ATTORNEY AND COUNSELOR AT LAW  
FRANKFORT, KY.

WILL practice Law in the Court of Appeals, in the Franklin Circuit Court, and all other State Courts held in Frankfort, and will attend to the collection of debts for non-residents in any part of the State. As well as Commissioner of Deeds, take the acknowledgments of deeds, and other writing to be used or recorded in other States; and, as Commissioner under the act of Congress, attend to the taking of depositions, affidavits, etc.  
WILL Office, "Old Bank," opposite Mansion House, now to it.

P. U. MAJOR,  
ATTORNEY AT LAW,  
FRANKFORT, KY.

OFFICE on St. Clair street, near the Court House. Will practice in the circuit courts of the 7th Judicial District, Court of Appeals, Federal Court, and all other courts held in Frankfort.

S. D. MORRIS.  
ATTORNEY & COUNSELOR AT LAW  
FRANKFORT, KY.

PRACTICES in all the courts held in Frankfort, and in the adjoining counties, and will attend to the collection of debts in any part of the State. All business confided to him will meet with prompt attention.  
WILL Office on St. Clair street in the new building next door to the Branch Bank of Kentucky, over G. W. Craddock's office.

JOHN M. HARLAN,  
ATTORNEY AT LAW,  
Frankfort, KY.  
WILL Office on St. Clair st., with James Harlan.

JOHN RODMAN  
ATTORNEY AT LAW,  
ST. CLAIR STREET,  
Two doors North of the Court-house.  
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E. A. W. ROBERTS,  
ATTORNEY AT LAW,  
FRANKFORT, KY.

WILL practice in the Franklin Circuit Court, and in the courts of the adjoining counties.  
WILL Office east side of St. Clair street, next door to Mr. Harlan's office.  
may19 to

GEORGE E. ROE,  
ATTORNEY AT LAW,  
GREENUPSBURG, KY.

WILL practice law in the counties of Greenup, Lewis, Carter, and Lawrence, and in the Court of Appeals.  
Office on Main street, opposite the Court-House, Jan14 w/wt

JOHN M. McCALLA,  
Attorney at Law, and General Agent,  
WASHINGTON CITY, D. C.

WILL attend particularly to SUSPENDED and  
REJECTED CLAIMS—where business on the  
want of official records.

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R. C. STEELE, Proprietor,  
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May 22, 1858—tf

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terms. Advance Sheets received from twenty-four  
Publishers. Back numbers supplied to complete  
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The New Code of Practice,  
IN Civil and Criminal cases, for the State of Kentucky.

P. S. Any one remitting me five dollars, shall receive a copy free of postage.

The above work for sale by S. C. BULL, Bookseller, Frankfort, Ky.

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WANTING SOMETHING EXTRA IN THE  
WAY OF a  
Handsome Cloth Cap or Dress Hat,  
will do well to call and see those at  
SAM. C. BULL'S,  
Hot and Bookstore St. Clair Street,  
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EGBERT & WRIGHT,  
HOUSE, SIGN, AND ORNAMENTAL PAINTERS  
IN all the late and fashionable styles. Graining,  
Varnishing, and Polishing; Gilding, Zinc, Oriental  
and Greek Painting; Glazing and Paper Hanging.  
All work done in the best manner and on the  
most reasonable terms. All orders promptly attended.  
Shop on Main street, Frankfort, Ky.

Notice.  
All persons indebted to the estate of Dr. C. G. Phythian, deceased, are requested to come forward and settle immediately; and those having claims against said estate, are requested to present them for adjustment.  
marb w&t-wt JOHN L. PHYTHIAN, adm'r.

The Seamless Cap.  
A NEW and beautiful style just come to hand at  
KEENON & CRUTCHER'S.  
feet2 w&t-wt

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MERCHANT TAILOR,  
AND DEALER IN GENTLEMEN'S  
FURNISHING GOODS,  
No. 4 Masonic Building,  
1910 w&t-wt Louisville, KY.  
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HADDOX & BRO.,  
(SUCCESSIONS TO JOHN R. HADDOX)  
COACH AND CARRIAGE BUILDERS,  
Third st., east side, bet. Market and Jefferson,  
LOUISVILLE, KY.

WE will manufacture and keep on hand CAR-  
RIAGES of every description and latest fash-  
ion. out w&t-wt

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NEW CAPETS  
AND  
House Furnishing Store.

MARSHALL & DICKINSON,  
IMPORTERS & DEALERS,  
79 FOURTH ST., BETWEEN MAIN AND MARKET  
LOUISVILLE, KY.

WE are now opening an entirely new stock, em-  
bracing every variety, style, and quality of  
handsome  
Carpets,  
Floor Oil Cloths,  
Rugs, Mats,  
Linen, Coco Matting,  
Stair Rugs,  
Curtains,  
Gimp,  
Stair Linen,  
Tassels,  
Cornices,  
Bands,  
Shade Trimmings,  
Crib Cloths,  
Green Baize.

PIECES all widths, qualities and prices.  
We also keep on hand and make to order Flans, Tar-  
paulins, Mosquito Beds, Bed Comforts, &c., &c.  
Our stock being entirely new, and having been selected  
with great care, we can offer such inducements in  
styles, qualities, and prices as are seldom found west  
of the mountains.

MARSHALL & DICKINSON,  
79 Fourth street, Louisville, Ky.  
aut13 w&t-wt

E. MYERS & CO.,  
WHOLESALE CONFECTIONERS,  
NO. 52 MAIN STREET,  
CINCINNATI, OHIO.

MANUFACTURES of superior quality Candies of  
all kinds, Gum Drops, Lollipops, Sugar Tops,  
French Confectionery, Fancy Candy, and Syrup.  
Also, Dealers in Fruits, Nuts, Sardines and Fire  
works.

NATHANIEL WOLFE, ..... S. N. HODGES,  
of LOUISVILLE, LATE of FRANKFORT.  
WOLFE & HODGES,  
ATTORNEYS & COUNSELORS  
AT LAW,  
AND  
COLLECTING AGENTS,  
LOUISVILLE, KY.

Office on Centre Street, opposite the Court-House.  
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JACOB SMITH,  
LUMBER MERCHANT,  
North side Main st., bet. Jackson and Hancock,  
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DEALER in all kinds of Pine and Poplar Lumber  
Dressed Boards of every description, Doors, Sash,  
Blinds, Weather Boards and Fencing, Pine and Poplar  
Sawed and Shaved Shingles.

Full orders from city or country, filled promptly at  
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CARY & TALBOT,  
SUCCESSIONS TO  
(BELL, TALBOT & CO.)

DRUGGISTS AND APOTHECARIES, PAINTS,  
Dyes, Oils, &c., 435 Market street, between Third and  
Fourth, Louisville, Ky.

W. L. T. & CO., 449 Market street,  
second door above Fourth, Louisville, Ky.  
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SAMUEL L. LEE ..... J. S. OWEN.  
Boots & Shoes,  
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WE HAVE JUST RECEIVED a splendid assort-  
ment of Men's, Ladies', Misses' and Children's  
SHOES and GAITERS, which we intend to sell  
as cheap as possible in the city.

J. S. OWEN & CO., 449 Market street,  
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PHENIX FOUNDRY,  
TENTH STREET  
Opposite the Ariesian Well,  
Louisville, Ky.  
WM. H. GRAINGER, Agent.

PIECE OF EVIDENCE, 100 Market street, between  
Second and Third, Louisville, Ky.

AND MUSICAL MERCHANDISE,  
109 Fourth Street, between Market and Jefferson,  
109 Fourth Street, between Market and Jefferson,  
LOUISVILLE, KY.

N. B.—Catalogues sent postage free on application.  
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W. S. KNOTT ..... T. A. HARROW.  
NATIONAL HOTEL,  
Corner Fourth and Main Streets,  
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KNOTT & HARROW,  
PROPRIETORS.

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Wooden Ware Store.

THE subscriber has established at Louisville a  
WHOLESALE STORE for the sale of all the  
varieties of

WOODEN WARE,  
thus now enter so largely into daily consumption  
His stock of Buckets, Tubs, Churns, Grains, Hail  
Milk, Covered Pails, Cans, Boxes, Bottles, Clothes  
Pins, Measures, Sieves, Tops, Baskets, Mattocks,  
Blacking, Barrel-Covers, Covered Flour Buckets,  
Fist-Care Ware, Broon Cord, Twines and Corsage  
Deminjons, Willow Ware, Rolling Pins, Wrapping  
Paper, Ax Handles, Mule and Horse Harness, Clothes  
Hampers, Cedar Chests, Toy Carts, &c., is large, and  
extremely variety, and is now to be had in Cincin-  
nati or St. Louis. A large part of the stock is  
fresh, clean, and in saleable condition. He hopes to  
receive a share of the Country Trade.

J. B. RUSSELL,  
500 Main st., between Third and Fourth, Louisville, KY.

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EGBERT & WRIGHT,  
HOUSE, SIGN, AND ORNAMENTAL PAINTERS

IN all the late and fashionable styles. Graining,  
Varnishing, and Polishing; Gilding, Zinc, Oriental  
and Greek Painting; Glazing and Paper Hanging.  
All work done in the best manner and on the  
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marb w&t-wt JOHN L. PHYTHIAN, adm'r.

The Seamless Cap.

A NEW and beautiful style just come to hand at  
KEENON & CRUTCHER'S.

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FRANKFORT, KENTUCKY, APRIL 21, 1860.

LOUISVILLE ADVERTISEMENTS.

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UPHOLSTERER!  
No. 547 South Side Main St., bet. 2d  
and 3d, Louisville, KY.

CONSTANTLY on hand Curtain Goods, Window  
Shades and Trimmings, Spring, Hair, Cotton,  
Moss, and Shuck Mattresses, Feather Pillows, and  
Bolsters. All kinds of Upholstery done at short notice  
and upon reasonable terms.

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NEW GOODS

AT

C. T. MERRIMAN'S  
SHAWL & MANTILLA  
HOUSE.

NEW early spring styles in Ladies Wrappings  
just received.  
PLAIN BLACK SILK MANTLES.  
BLACK SILK BOURNEURS.  
MODÉ CLOTHES.  
Entirely new in styles and color.

NATIONAL HOTEL BUILDING,  
FOURTH STREET, LOUISVILLE, KY.

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NEW MUSIC HOUSE!

WM. MCARRELL,  
MUSIC PUBLISHER

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PIANOS, MELODEONS

BOUND AND SHEET MUSIC,  
Musical Instruments and Musical Merchandise

Generally,

NO. 474 JEFFERSON STREET,  
NORTH SIDE, BETWEEN THIRD AND FOURTH,  
LOUISVILLE, KY.

HAVING JUST OPENED A NEW  
MUSIC HOUSE in this city, I beg  
to call the attention of my friends  
and the public generally to my stock,  
which is ENTIRELY NEW, and has been selected  
with great care. It shall be my aim to keep constantly  
on hand to meet the wants of my customers.

THE very Best and Latest Publications  
And a fine assortment of  
SUPERIOR PIANOS, MELODEONS, GUITARS,  
VIOLINS, STRINGS, &c., &c.

PRINTED Catalogues forwarded on application.

PIANOS sent to any part of the country, post  
paid, on receipt of the market price.

Those in want of new and good Music or Instruments  
will do well to give me a call, as I am determined  
to sell on the best terms.

WM. MCARRELL,  
474 Jefferson street,  
sept29 w&t-wt

ENGLISH CARPETING  
RINGWALT & AVERY,  
IMPORTERS OF AND DEALERS IN

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PIKE'S OPERA HOUSE BUILDING,  
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GOODYEAR'S INDIA RUBBER GOODS,  
HOUSE, STEAM PACKING & MACHINE BELTS,  
etc., at Factory prices. Also, such Fancy Goods  
as are in great demand. Orders from dealers promptly  
attended to, at 49 West Fourth st., Cincinnati, Ohio.  
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RALPH C. McCACKEN,  
FASHIONABLE

SHIRT MANUFACTURER,  
A good Dealer in fine linens and all the best  
Manufacturers. From the 18th to the 20th  
of each month, we will be at the  
Marble church, opposite the First Presbyterian church.

MIDDLE AGED OLD MEN, who, from the  
folly of their youth, have been compelled to  
work at a very early age, and, in consequence,  
are now in a state of extreme infirmity. Orders  
will be sent to the subscriber, who will be  
sure to furnish them with the best  
and most comfortable clothing.

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“A PHYSIOLOGICAL TREATISE

# THE TRI-WEEKLY YEOMAN.

PRINTED AND PUBLISHED BY

S. I. M. MAJOR & CO.,  
ST. CLAIR ST., OPPOSITE THE COURT-HOUSE.

T E R R I S.

One copy, per annum, in advance.....\$4 10c

SATURDAY .....APRIL 21, 1860

## Acts of 1859-60.

The General Laws passed at the last session of the Legislature, edited by the Attorney General, can be had at this office, in pamphlet form, for \$1 per copy. We send it to order by mail at this price, free of postage.

W. R. Milligan, President of Kentucky University, will preach in the Christian Church (to-morrow) Lord's day, morning and night.

Rev. George Varden, of Paris, Ky., will preach at the Baptist Church in this city, on Sabbath morning, (to-morrow,) at 11 o'clock.

## Attention Guards!

A full meeting of the Governor's Guards is requested at the Yeoman office, this evening, as business of importance will be brought before the company.

By order of the Captain.

R. H. KING, O. S.

Thomas A. Hendricks, formerly Commissioner of the United States General Land office, is the Democratic nominee for Governor of Indiana. He was born in Muskingum county, O., September 7, 1819; was educated at South Hanover College, Indiana; completed his law studies at Chambersburg, Penn., in 1843.

**THE MILITARY OF MASSACHUSETTS IN A Row.**—Adjutant General Stone, of the Massachusetts militia, was removed some time since by Gov. Banks, that the place might be filled and the salary (\$2,500 per annum) drawn by a political friend of the Governor, Col. Schouler. The militia of the State feel indignant at the change. It appears to be a general feeling among them that Gen. Stone was fitted for the place, and had filled it with honor to himself and advantage to the militia; and that Col. Schouler was not fitted for the position, and would not discharge its duties well.

**ADJUTANT GENERAL'S APPOINTMENT.**—Mrs. Mary Chestnut, mother of the Senator from South Carolina, has been appointed Vice-Regent of the Mount Vernon Association of that State. She is 85 years of age, and had a personal acquaintance with Gen. Washington. In the spring of 1789 Washington visited Trenton, and was received with the most enthusiastic demonstrations by the people, especially by the ladies. A "triumphant arch" was erected on the bridge over the Assasipin creek, at the entrance of which six young girls strewed flowers before him, and sang a song of welcome. One of these girls is now Mrs. Chestnut. And she who in days of life sang the song of triumphant welcome to "The Hero," now in its wane joins those who are endeavoring to pay the noblest tributes to the hero's memory.

**THE GOVERNOR'S GUARDS.**—The Governor's Guards have purchased the material for their uniform, and our enterprising friend, John W. Voorhis, who, by the way, is a member, is busily engaged in making them up. A dress parade is ordered for Saturday, May 5th.

We call the attention of those wishing to purchase Swords, Sashes, Epaulettes, and other military goods, to the advertisement of Mr. John Bener, to be found in another column.

**DEMOCRATIC CONVENTION.**—It is proposed to hold a Democratic Convention at Irvine, Estill county, on the 15th of May, to nominate a candidate for Judge of the Court of Appeals for the First Appellate district.

**COLLIER.**—A man by the name of Collier has been "moved" from Alexandria for instigating negroes to runaway. A collection was made, a value put upon his property, the money paid over, and he sent on his way rejoicing that he had fare no worse.

**PHOTOGRAPHS.**—For highly finished oil Photographs, for plain Photographs, Ambrotypes, Melanotypes, and in fact every thing in the picture line, we say go to Clark's.

**NEGRO KILLED BY LIGHTNING.**—The storm of Tuesday was exceedingly violent. Accompanying a great fall of rain were the most vivid flashes of lightning and terrible crashes of thunder. We learn that a negro man belonging to Mrs. Elizabeth Ballard, of this county, was struck and instantly killed while standing near the house. The rivets were melted from a knife in the hands of a man near by without injuring him at all.—*Richmond Messenger.*

**GOOD GUARDS FOR A DIVORCE.**—One of the members of the Covington bar had business yesterday in the Boone County Court. While awaiting the calling up of a suit in which he was employed as counsel, a divorce case came up, in which a Mrs. Constantine asked to have a dissolution of partnership with her husband, Mr. Constantine, pleading mental treatment. Judge Nutall, after hearing the testimony, which bore pretty hard against the defendant, delivered his opinion, in brief, as follows. Addressing Mr. Constantine, he said: "We read in history of a certain Emperor of the same name which you bear, but he was unlike you—he was a good man—a gentleman, who scorned the idea of abusing a woman. Unlike you, he never dragged his wife out of doors by the hair. Had you, in the case, dragged your wife out of doors by the head, instead of the heels, there might have been a shade of excuse for you." Mr. Clerk, enter up a decree of divorce for Mrs. Constantine. Court is adjourned!—*Cin. Enquirer.*

(For the Yeoman.)

**The Case of Turner.**—Mr. Enior: I regret that the Editor of the Commonwealth thought proper to publish, in its issue of the 10th inst., a rude attack upon the decision of the Appellate Court in this case.

The article alluded to does not attack the opinion, and, but it makes a vile personal assault upon the court.

The first paragraph of the publication read thus: "The opinion of the Court of Appeals in this case has not surprised those who are familiar with it. The parade at Frankfort at the hearing of the case, and the ready departure of the court from its uniform practice in the argument, indicated to us that the question to be determined was not so much whether the defendant was guilty of the charges alleged against him, but how much extenuating pressure the court could bear and do its duty. And the solution of that question is to be found in the opinion delivered." Surely there cannot be found a just man in this Commonwealth, or out of it, who will not disapprove of the publication of this paragraph.

Let us examine the charge brought forward; and first, the departure of the court from its uniform practice in the argument. We suppose the allowance of three speakers on each side is what is here referred to. Now, in the first place, this was in accordance with the desire of both parties, additional counsel having been engaged to aid the Attorney General in arguing the case.

Again, the court has, in other cases of great importance to the parties, such as the contest for the office of jailor of Jefferson county, allowed more than three counsel on each side to speak in the same case.

Next, the parade at Frankfort at the hearing of the case is complained of. This case was set for hearing on the first Monday in December last, the same day that the Legislature met, and of course there was a considerable concourse of people in Frankfort that week.

The effect of the repealing clause of the Civil Code was con-trued as I now construe it in the case of Matterson, &c., vs. Briscoe, &c., (18 B. Monroe, 472). Mr. Harlan, who appears as counsel for the prosecution in this case, was Attorney General, and then seemed to think us to do. In the report of that case (page 481) will be found the following sentence from his brief: "The Code of Practice, section 15 and 16, will decide the question of jurisdiction. Section 15 gives this court final jurisdiction over the final judgments and orders of all other courts of this Commonwealth, subject to the exceptions in the section which folows. The present case does not come within the exceptions, and I am inclined to the opinion that the court has jurisdiction." The Court of Appeals in this case accordingly took jurisdiction, and decided the case on its merits.

There were probably fewer persons from Madison county than any other large county, so little distant from Frankfort. So far as I had a chance of knowing or hearing, there was no parade about the court on the part of Turner's friends. The case excited considerable interest, and many members of the Legislature and visitors at Frankfort called to that place on other business, attended the court and listened to the argument. This was done in a modest, unobtrusive manner, and their attendance was a matter over which the court had no control. Two of the counsel who argued the case for Turner differed with him in points.

The writer of the communication, however, thinks that the matter above adverted to indicated that the question to be determined was "not so much whether the defendant was guilty of the charges alleged against him, but how much extenuating pressure the court could bear and do its duty." The imputation contained in this last sentence is too gross for the conception and utterance of any man not morally delated. It is the first time that we ever heard, from any source, however pre-eminently, an imputation against the uprightness and integrity of each and all of the incumbents of the Appellate Court, and I do not believe that four men could be found in this whole Commonwealth more pure and upright in all their purposes, acts, and intentions, than the judges of this court. I will not, however, inflict upon your readers at present a more extended notice of this degrading paragraph.

The communication under consideration, in the next place, remarks upon the decision of the Appellate Court in the question of jurisdiction. It says: "After the decision of Rice's case, (18 B. Monroe,) the counsel and the circuit judge regarded this subject as at rest, and it never would have been noticed but for a rumor that the judges of the Court of Appeals had doubts upon this subject."

Whence did these rumors originate? I answer, that, so far as I am informed, they originated about, and traveled with a certain circuit judge who felt more solicitude about this case than did the accused or any other person; and it was him, so far as I am informed, who directed the attention of counsel in the Appellate Court to this question, hoping thereby to cut off a scurrilous attack on his conduct in the Circuit Court, and who expressed great indignation against the Appellate Court for allowing counsel properly to remark upon that conduct, as exhibited in the record on the hearing in the latter court.

I think that the question of jurisdiction, by an appeal presents no difficulty. On the contrary, the right is quite clear, and we have the recorded opinion of the author of this communication in favor of the existence of the right.

The court of Appeals base their jurisdiction on the following paragraph of the Revised Statutes:

"No appeal shall lie except where the judgment, order, or decree relates to an office, franchise, or freedom," or is against a divorce, or if the matter in controversy does not amount in value to \$100, exclusive of interest and cost."

In the opinion under consideration the Court of Appeals say that this provision of the Revised Statutes is not repealed by the Code of Practice, so far as it bears upon this case.

The author of the communication alleges that the court decided differently in the case of Orth, &c., against Chitty. (18 B. Monroe.)

Let us see how this matter stands. The debt in controversy in the case of Orth was sixty dollars and fifty-six cents. When the interest up to the time the suit was commenced was added to the original debt, the whole amounted to over \$100, and it was contended, as the Revised Statutes required the debt to be \$100, exclusive of the interest and cost, that no appeal laid. The Code of Practice, which was enacted after the Revised Statutes, allowed an appeal where the amount in controversy, exclusive of cost, was \$100 and the court decided that as the interest, as well as the principal, was in controversy, and they both amounted to more than \$100, the jurisdiction in that case was governed by the 37th section of the Civil Code, which enacted that "all statutes and laws theretofore in force in this State, in any case provided for by said Codes, or inconsistent with its provisions, were repealed."

The question, then, is, does this Civil Code provide for the case under consideration? Secondly, is the right to an appeal in the case inconsistent with the provisions of the Code?

If the case under consideration is provided for by the Code, as we think it is, then the question is at an end, and the Court of Appeals had jurisdiction.

I further contend that the allowance of appeal in this case is not inconsistent with the Civil Code, and that it is a clear right under the Revised Statutes, an office and franchise both being in the controversy.

The 15th section of the Civil Code of Practice says: "The Court of Appeals shall have appellate jurisdiction over the final orders and judgments of all other courts of this Commonwealth, subject to the exceptions in the next section." The next and 16th section reads thus: "Where the action or proceeding is for the recovery of money or personal property, and the matter in controversy does not exceed \$100 in value, or in behalf of the defendant where the judgment of the inferior court is against him for money or personal property not exceeding \$100, unless reduced below that amount by a set-off or counter-claim, or where the judgment grants a divorce, or where the judgment or order is by the quarterly court, police court, city or mayor's court or justices' court, and an appeal is given to the circuit or circuit court, the Court of Appeals shall have no appellate jurisdiction."

It is clear that the 15th section first quote gives the right to an appeal in this case, and that it is not taken away by the 16th section.

It is furthermore clear that there is nothing in either of the sections quoted inconsistent with the provisions of the Code?

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The next and 16th section reads thus: "Where the action or proceeding is for the recovery of money or personal property, and the matter in controversy does not exceed \$100 in value, or in behalf of the defendant where the judgment of the inferior court is against him for money or personal property not exceeding \$100, unless reduced below that amount by a set-off or counter-claim, or where the judgment grants a divorce, or where the judgment or order is by the quarterly court, police court, city or mayor's court or justices' court, and an appeal is given to the circuit or circuit court, the Court of Appeals shall have no appellate jurisdiction."

It is clear that the 15th section first quote gives the right to an appeal in this case, and that it is not taken away by the 16th section.

It is furthermore clear that there is nothing in either of the sections quoted inconsistent with the provisions of the Code?

If the case under consideration is provided for by the Code, as we think it is, then the question is at an end, and the Court of Appeals had jurisdiction.

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# THE TRI-WEEKLY YEOMAN.

## THE PRYOR-POTTER EMBROGLIO

### The Hostile Correspondence at Full Length.

WASHINGTON, Sunday, April 15.

The following correspondence explains itself:

CARD FROM MESSRS. CHISMAN AND MILES.

In consequence of the numerous false rumors which have been industriously circulated, through the Northern press, the undersigned deem it proper

to make the following publication:

The subjoined correspondence took place in consequence of certain words uttered in the House of Representatives, between Messrs. Pryor and Potter, Mr. Hindman, as appears from memorandum (marked A) being compelled to return home, Mr. Keitt received from Mr. Lander Mr. Potter's first note, with the understanding that he was to have it to Mr. Miles, who delivered it to Mr. Pryor. As Mr. Lander distinctly stated to Mr. Keitt that Mr. Potter "would not leave" the District, it was deemed proper, for obvious reasons, and to guard against interruption in the affair, that some one other than a member of Congress should bear the challenge to a hostile meeting "in the District" to Mr. Potter. Mr. Chisman, a non-resident of Washington, then assumed the place of acting friend for Mr. Pryor. Mr. Miles advised with him throughout, entirely concurring with him in every step up to the termination of the correspondence on their part, and has desisted to make this public statement out of his position.

T. P. CHISMAN,  
WM. PROCTOR MILES.  
[A.]

MUR. PRYOR'S CHALLENGE.

Sir: Will you have the kindness to designate a place outside of the District of Columbia, and the time when and where there may be further correspondence between us? I have the honor to be, very respectfully,

HON. JOHN F. POTTER.

MEMORANDUM.

On to-day, at three o'clock and ten minutes, I met Mr. Potter in one of the sitting rooms of the House of Representatives, and addressed him. Mr. Pryor's first note, a copy of which, marked "A," is in Mr. Pryor's possession. Mr. Potter opened the note, which was unsealed, and read it. I then inquired at what time his answer would be communicated; to which he replied that it should be at his earliest convenience, but perhaps that it would not be before morning. At 5 o'clock, hearing rumors of the probable arrest of the parties, I met Mr. Potter in the same room, and informed him of these rumors, and also that Mr. Pryor had gone out of the District to avoid arrest. He said that he would endeavor to avoid arrest, but could not leave immediately, lest his wife, who was at the time in the gallery, should be alarmed. At this same interview I informed Mr. Potter that I was suddenly called home by sickness in my family, and that Hon. L. M. Keitt would act in my stead. I had just previously notified him of this in writing.

T. C. HINDMAN.

April 14, 1860.

Sir: Your note of this date, received by the hands of the Hon. Thos. C. Hindman, invites a "correspondence" to be hereafter conducted outside of the District of Columbia, evidently in your part to avoid certain penalties imposed by law. I repeat that the Constitution of Wisconsin allows me no escape from the consequences of such a "correspondence" as you seem to contemplate, wherever it may be conducted. I therefore inform you that such "further correspondence" as you wish to make, may be delivered to my friend Col. F. W. Lander.

I have the honor to be,  
Very respectfully, your obedient servant,

JOHN F. POTTER.

HON. ROGER A. PRYOR.

MR. PRYOR TO MR. POTTER.

Virginia, April 12, 1860.

Sir: In order to be assured that I do not misapprehend the precise import of your note, by your part to avoid certain penalties imposed by law. I repeat that the Constitution of Wisconsin allows me no escape from the consequences of such a "correspondence" as you seem to contemplate, wherever it may be conducted. I therefore inform you that such "further correspondence" as you wish to make, may be delivered to my friend Col. F. W. Lander.

I have the honor to be,  
Very respectfully, your obedient servant,

JOHN F. POTTER.

MR. PRYOR TO MR. POTTER.

Virginia, April 12, 1860.

Sir: If there be any ambiguity in my note of last evening, after the explanation by my friend Col. Lander to your friend Col. Keitt last night, and Mr. Chisman to-day, which I understand made, I beg to say that I will answer the inquiry contained in your note when a challenge shall reach me. I have the honor to be, very respectfully, &c.,

JNO. F. POTTER.

MR. PRYOR TO MR. POTTER.

Virginia, April 12, 1860.

Sir: I demand the satisfaction usual among gentlemen for the personal affront you offered me in debate, and for which you were pleased to avow your responsibility. I have the honor to be, very respectfully,

ROGER A. PRYOR.

HON. JOHN F. POTTER.

MR. PRYOR TO MR. POTTER.

Virginia, April 12, 1860.

Sir: Your second note of to-day is received. I refer to you my friend Col. F. W. Lander, to make the necessary arrangements. I have the honor to be, etc.,

JOHN F. POTTER.

HON. ROGER A. PRYOR.

MR. PRYOR TO MR. POTTER.

Virginia, April 12, 1860.

Sir: Owing to my not being able to find Mr. Potter—an article in the Star causing him to change his place of meeting—I am compelled to request you to await a reply to the note you have favored me with, for a short space of time—say for a few hours. I am, most respectfully, etc.

F. W. LANDER.

April 12, 1860.

Sir: Your second note of to-day is received. I refer to you my friend Col. F. W. Lander, to make the necessary arrangements. I have the honor to be, etc.,

JOHN F. POTTER.

HON. ROGER A. PRYOR.

MR. PRYOR TO MR. POTTER.

Virginia, April 12, 1860—11½ P.M.

Sir: I have to state that my principal, Hon. John Potter, disclaiming the particular rules of the code, will fight Hon. Roger A. Pryor with the common bowie-knife, at such place, private room or open air, in this District, as we may agree upon, at a time to be fixed within the next twelve hours, by you and myself. Distance four feet at commencement of engagement. Two seconds restricted to each principal. Seconds restricted to one navy revolver each. Knives of principals of equal weight and length of blade. Fight to commence at the word "Three." The calling of the tally and word, as between principal seconds, to be decided by turning a piece of money. I have the honor to be, most respectfully,

F. W. LANDER.

April 12, 1860.

Sir: Your second note of to-day is received. I refer to you my friend Col. F. W. Lander, to make the necessary arrangements. I have the honor to be, etc.,

JOHN F. POTTER.

HON. ROGER A. PRYOR.

MR. PRYOR TO MR. POTTER.

Virginia, April 12, 1860.

Sir: In response to the demand of my friend Mr. Pryor for "the satisfaction usual among gentlemen," from your friend Mr. Potter, you state that your principal, "disclaiming the particular rules of the code, will fight Hon. Roger A. Pryor with the common bowie-knife," etc., etc. Not recognizing this vulgar, barbarous, and inhuman mode of settling difficulties as either usual among gentlemen or consistent with the notions of civilized society, I must, without referring your communication to my principal, or even seeing him, emphatically refuse to allow him to engage in Mr. Pryor's demand in such a way as may seem to me to be consistent with any fair and even most liberal construction of the rules of the code, whether particular or general, I shall be most happy to communicate to my principal such response.

I have the honor to be, most respectfully,

T. P. CHISMAN.

Washington, April 12, 1860.

Sir: In response to the demand of my friend Mr. Pryor for "the satisfaction usual among gentlemen," from your friend Mr. Potter, you state that your principal, "disclaiming the particular rules of the code, will fight Hon. Roger A. Pryor with the common bowie-knife," etc., etc. Not recognizing this vulgar, barbarous, and inhuman mode of settling difficulties as either usual among gentlemen or consistent with the notions of civilized society, I must, without referring your communication to my principal, or even seeing him, emphatically refuse to allow him to engage in Mr. Pryor's demand in such a way as may seem to me to be consistent with any fair and even most liberal construction of the rules of the code, whether particular or general, I shall be most happy to communicate to my principal such response.

I have the honor to be, most respectfully,

T. P. CHISMAN.

COL. LANDER TO MR. CHISMAN.  
WASHINGTON, April 13—3 A. M.

A chapter from the Romance of the "Black Mask." The Baron's Leap from the Battlements.

At daylight, the plain to the northward of the Castle was whitened with the tents of the besieging army. To the summons to caputate, the Baron had replied by hanging the envoy over the northern battlements, in full sight of the besiegers. Having taken hearty breakfast, the Baron proceeded into the Castle yard and caused Black Donnerschlag, his favorite charger, to be saddled and caparisoned. Then taking him by the bridle he led him up the grand staircase, out upon the roof, while the trembling servant and perturbed vassals gazed in breathless amazement upon this strange and inexplicable proceeding. Having, not without difficulty, accomplished this feat, Ahrendt expressed his satisfaction to your friend, the Countess. "The enemy are forcing the gate," answered the butler, panting for breath; "and a number of them have in some way got into the castle and are pouring up from the cellars."

"I meant to have spared them so much trouble," answered the Baron. "Go down and let the great gate be thrown open at once, and say to the leaders that if they will ascend to the roof they shall behold a sight worth seeing. Go with him Bishop, pray you, and see that my orders are obeyed. Speak a word also to your brother of Schrecksweigen on behalf of these poor vassals of mine, who have suffered already enough at my hands without being punished by my enemies. And so farewell, Bishop. As for you, Countess, I have a desire that you should see how Ahrendt the Cruel makes an end, and will beg the favor of your company to the roof."

The Countess, pale and trembling, knew not how to refuse, or evade the Baron's request, and wondering what was to succeed, allowed him to assist her up the great staircase, until he had gained the castle roof, where the servant still stood, holding the cold black steel, who, by his restless movements and steaming eyes, seemed to be conscious of his singular position.

"Hark!" said Ahrendt, as the harsh sound of the great gate turning upon its rusty hinges reached their ears, "the enemy are admitted." And he sprang into the saddle and turned the head of his horse toward the battlement of the castle.

The next moment footsteps were heard approaching, and the Bishop of Fetter Rindlbrunn, followed by the alchemists and several leaders of the hostile forces, issued forth upon them, and an exclamation of surprise burst simultaneously from the whole party at the sight of the Baron mounted upon his steed fully caparisoned as for a new company.

"Baron," said Ahrendt, as the harsh sound of the great gate turning upon its rusty hinges reached their ears, "the enemy are admitted."

"Stand back, I command you, my prisoner."

"Stand back a moment I pray thee," replied Ahrendt, "you perceive that I have no choice but to yield. I would fain, however, enjoy one more cup of wine as a freeman. Have patience, good sir, until my butler brings it me," and he waved his hand to Schleimann, who departed mechanically upon his errand.

"Ahrendt," said the alchemist, "I have prepared for you the usual refreshments, and the Bishop and his party, with their free-lances and burgher bands, surround the Castle. My guests are ready to betray me to secure their own safety. My servants are like a parcel of pine sticks sheep, and will make no hearty resistance. I have about an hour to live, and that is quite enough. I mean, however, to make the most of it. Here are a few bottles of wine such as the Emperor never tasted. I have long kept it hid away from my own thieving butler for an occasion like the present, and I am now going to enjoy it in your company."

The terrified Countess glanced round the apartment for some way of escape, but there was none. The Baron had closed and bolted the door behind him when he entered, and the windows were firmly secured. She knew that it was vain to call for help, and she read in the Baron's eye flashes of that overwhelming power which descended upon him whenever assailed, I must terminate this correspondence with the expression of my regret that we have been unable to adjust the matter between our principal men in the manner "using among gentlemen," which manner, though your principal detracts and abhors it as barbarous and inhuman, would seem to men of plain sense not more so than a fight with bowie knives.

I have the honor to be, very respectfully,

T. P. CHISMAN.

COL. LANDER TO MR. CHISMAN.

WASHINGTON, D. C., 8 A. M., April 13, 1860.

HON. T. P. CHISMAN:

Sir: I received your last note at 7½ o'clock this morning. In it you reiterate your assertion that your principal shall not meet Mr. Potter with bowie knives, making assurance doubly sure. I have to correct an impression I have apparently conveyed in my last letter—in expression also referred to in your note. It appears that my statement of "Mr. Potter waives the usual last resort of the non-duelist," the assertion that he will defend himself whenever assailed, has led you to believe that he will not defend himself if assailed. This is a mistake. If for the time he waived the mere assertion, and placed himself at the disposal of Mr. Pryor in regard to a personal combat, by no means believe that he will defend himself; to which he replied that it should be at his earliest convenience, but perhaps that it would not be before morning. At 5 o'clock, hearing rumors of the probable arrest of the parties, I met Mr. Potter in the same room, and informed him of these rumors, and also that Mr. Pryor had gone out of the District to avoid arrest. He said that he would endeavor to avoid arrest, but could not leave immediately, lest his wife, who was at the time in the gallery, should be alarmed. At this same interview I informed Mr. Potter that I was suddenly called home by sickness in my family, and that Hon. L. M. Keitt would act in my stead. I had just previously notified him of this in writing.

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JNO. F. POTTER.

## ADAMS EXPRESS CO.



Office at Gwin & Owen's Hardware Store.

G. W. OWEN Agent.

STATE OF KENTUCKY. — County, SS.

A STATEMENT respecting the affairs of the Adams Express Company, made pursuant to an act of the Legislature of Kentucky, entitled "An act concerning Express Companies," and numbered 751, declaring said Companies to be common carriers, and providing for the safety of articles entrusted to their care.

The business of said company is conducted by nine Managers, whose full names and proper places of residence are as follows, viz:

W. M. B. DINSMORE, New York, N. Y.  
W. M. B. DINSMORE, Philadelphia, Pa.  
SAM. M. SHOEMAKER, New York, Md.  
GEORGE W. CASS, Pittsburgh, Pa.

JAMES M. THOMPSON, Springfield, Mass.

CLAP. SPOONER, Bridgeport, Conn.

JOHN B. TURNER, New York, N. Y.

JOHN BINGHAM, Philadelphia, Pa.

RUFUS B. KINSELEY, Newport, R. I.

The persons interested as esti'ate cost are the stockholders of said Company, who change from time to time, and of whom it is impossible to make an accurate statement; owing to the frequency of such changes.

The amount of Capital employed in the business of said Company, in the State of Kentucky is as nearly as the sum can be ascertained, ten thousand dollars.

And we, the subscribers, the managers above named do hereby agree that legal process served upon any authorized agent of said Company, or upon any of the managers, shall be deemed to be taken as good service upon said Company and ourselves. Witness whereof, we have hereunto subscribed our hands this 11th day of April, A. D. 1856.

W. M. B. DINSMORE, L. S. Rufus B. Kinsley, L. S.

Louisville and Frankfort and Lexington and Frankfort Railroads.

E. S. Sanford, Jas. M. Thompson,  
S. M. Shoemaker, Clapp Spooener,  
Geo. W. Cass, John Bingham,  
J. Livingston.

STATE OF PENNSYLVANIA: — Be it remembered, that on the eleventh day of April 1856, before me, John C. Thompson, Commissioner in the Office of Insurance for the State of Kentucky, duly authorized and commissioned by the Governor of Kentucky, and under the law thereof, as such to take acknowledgments of deeds, etc., to be used or recorded thereon, personally came George W. Cass, who presented to me a copy of the foregoing statement, signed by him, is true according to the best of his knowledge and belief.

G. W. CASS, Prest.  
(S. S.)  
County of Allegheny.  
State of Pennsylvania.

Be it remembered, that on the eleventh day of April A. D. 1856, before me, John C. Thompson, Commissioner in the Office of Insurance for the State of Kentucky, duly authorized and commissioned by the Governor of Kentucky, and under the law thereof, as such to take acknowledgments of deeds, etc., to be used or recorded thereon, personally came George W. Cass, who presented to me a copy of the foregoing statement, signed by him, is true according to the best of his knowledge and belief, and such sworn and subscribed before me.

In testimony whereof, I have hereunto set my hand and affixed my official seal that day and year aforesaid.

George W. Cass, Agent of Adams Express Company.

STATE OF KENTUCKY, SS.

I, Alexander H. Rennick, Clerk of the Franklin County Court, do hereby attest and testify that the foregoing is a true and complete copy taken from the original, this day filed in my office, and that G. W. Cass is the agent of said company.

In testimony whereof, I have hereunto set my name as clerk, this 16th day of April, 1856.

A. H. RENNICK, C. F. C. C.

May 3, 1856.

(S. S.)  
County of Franklin.  
State of Kentucky.

On and after Monday, December 19, 1859, trains will leave Frankfort as follows:

Trains going East at 9:20, A. M. and 5:55 P. M.

Trains going West at 7:30, A. M. and 3:35 P. M.

For further information please call at the Station Agent's Office, Frankfort.

SAMUEL GILL, Superintendent.

dec17 w&t-wt.

IMPORTANT NATIONAL WORKS,

PUBLISHED BY D. APPLETON & CO.,  
316 & 348 BROADWAY, New York.

THE following works are sent to Subscribers in any part of the country, (upon receipt of retail price) by mail or express, ready:

THE NEW AMERICAN CYCLOPEDIA: A popular Dictionary of General Knowledge, Edited by George Ripley and Charles A. Dana, aided by a numerous select corps of writers in all branches of Sciences, Art, and Literature. This work, being published in 15 large octavo volumes, each containing 750 two-column pages. Vols. I, II, III, IV, & V, are now ready, each containing near 2,500 original articles. An additional volume will be published in one or three months.

Price, \$10.00; Sheep, \$3.50; Half Mor., \$4; Half Rus., \$4.50 each.

The New American Cyclopaedia is popular without being superficial, learned not pedantic, comprehensive, but simple, direct, and free from all personal bias or prejudice, fresh, analytic, accurate. It is a complete statement of all that is known upon every important topic within the scope of human intelligence. Every important article it has been specially written by a practical authority, and the articles will be on the topics which they speak. They are required to bring the subject up to the present moment; to state just how it stands now. All the statistical information is from the latest sources, the geographical, historical, and political, with the latest applications; historical matters include the freshest just views, the biographical notices not only speak of the dead, but also of the living. It is a library of itself.

Abridgment of the Debates of Congress: A Political Historian of the United States, from the organization of the first Federal Congress in 1789 to 1856. Edited and compiled by Hon. Thomas H. Benton, from the Official Records of Congress.

The work will be completed in 15 royal octavo volumes of 750 pages each, 11 of which are now ready.

An additional volume will be published once in three months.

Cloth, \$3; Law Sheep, \$3.50; Half Mor., \$4; Half Rus., \$4.50 each.

A Way of Procuring the Cyclopaedia or Debates.

For a club of four, and remit the price of four books, and five copies will be sent at the remitter's expense for carriage; or for ten subscribers, eleven copies will be sent at our expense for carriage.

TO AGENTS.

No other works will so liberally reward the exertions of Agents. An Agent wanted in this country, terms made known on application to the Publishers.

mar31 w&t-wt.

Spring Bed for Sale in Frankfort.

LOUDS PATENT. This is an entirely new application of spiral springs to beds, making decidedly the most comfortable, neat, and cheap spring bed ever offered for sale, adjustable in every direction, and it entirely needless to go into detail relative to the advantages of this bed, having entire confidence in its durability and adaptability to the wants of the people. We offer to attach to any bedstead, or to any bed, a trial of this bed, and if after trial, it proves unsatisfactory, take it away, refund the money, and replace old bottom as we found it.

DOXON & GRAHAM, Sole agents for the sale of this new bed in this country.

my10 w&t-wt.

Special Notice.

I AM now in receipt of my Fall and Winter stock of Ladies' and Misses' Shoes and Garters of every description, Gentlemen's Boys', and Children's Boots and Shoes.

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